

that when a **new** oath or declaration is submitted, the application serial number should be referenced. However, in the present application, the original oath or declaration was submitted **with the original filing package**. Such a procedure is acceptable under M.P.E.P. §602, and no rule to the contrary has been cited. Since a serial number is not available when filing a new application, no such information was provided. M.P.E.P. §602 is quite clear that:

"any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. 1.63: (A) name of inventor(s), in reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing...".

Since this criteria was met, the original oath or declaration is acceptable. Furthermore, §602.03 specifically states that the Examiner **must** point out every deficiency in a declaration or oath in the **first** Office Action. Therefore, even if the requirement had proper basis, the timing of the requirement is unacceptable according to Patent Office procedures. With this in mind, Applicants' representative requests that the Examiner either (i) withdraw the requirement for a new oath or declaration or (ii) provide a citation to the M.P.E.P. section relied on.

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office Account No. 50-0541.

Respectfully submitted,

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